

**St. Mary Rehabilitation Working Group**  
**Meeting Notes for March 17, 2004**  
**Chinook Motor Inn**

**Opening Remarks and Introductions**

Lt. Governor opened the meeting followed by introductions of Working Group members.

**Meeting Notes**

Lt. Governor Ohs asked if there were any comments, additions or changes to the meeting notes from 2/18/04. There were no corrections or additions. Notes will become part of Working Group record and posted on Group's web site.

**Progress Reports**

- Lt. Governor Ohs submitted a federal legislative request, known as the "St. Mary Facilities Act of 2004," on behalf the Working Group. Committees in both the House and Senate are reviewing legislation, which enjoys the support of all three members of Montana's Congressional Delegation. Kim Falcon, Field Director for Senator Baucus, cautioned the group to be patient. This being an election year, the proposed legislation may not be acted upon in conference committee until the fall. Members of the Working Group and citizens within the basin were encouraged to contact members of Montana's Congressional Delegation to express their support for the rehabilitation effort. Kim suggested letters of support should be sent to delegation field offices in Montana. Field staff will forward the letters to D.C. Field representatives for this project are Larry Anderson (Conrad Burns, Missoula); Kim Falcon (Max Baucus, Great Falls); and Mike Waite (Denny Rehberg, Great Falls). Emails can be sent directly to the offices of Representative Rehberg, Senator Baucus, and Senator Burns. Lt. Governor Ohs may travel to D.C. to testify before the committee.
- Representatives from DNRC, USBR, BIA, Blackfeet Tribe and Tribes of Ft. Belknap met in Billings on February 27 and March 11. The idea for joint meetings evolved out of Lt. Governor Ohs' January 16 meeting with USBR Regional Director Maryanne Bach. The purpose of the meetings is to identify and address government-to-government issues that need to be worked out as we move forward. From DNRC's perspective, the meetings have been very informative and beneficial. DNRC and USBR plan to meet on a monthly basis. Progress from the last two meetings include:
  - Continue to identify pertinent information that is available from USBR, the Tribes and the State.
  - Funding for the rehabilitation still remains the biggest obstacle to overcome. We have not found a way to get over this hurdle, but we are starting to explore some options.
  - USBR has been asked to gather information on options to reauthorize the Milk River Project under Pick-Sloan.
  - USBR is trying to spring the Regional FS out of OMB. Bureau realizes that for lack of the Regional FS, we may be spending more money than we need to.
  - Blackfeet Tribe, USBR and BIA will soon start discussions aimed at identifying and resolving the complex issue of right-of-way (ROW) and land ownership.
  - USBR and Blackfeet Tribe have agreed to start meeting again to address the Tribes' long-standing environmental concerns.

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- Discussion on how some concepts proposed in the legislation fit into Reclamation law.
- Bureau has provided suggestions for improving draft legislative language. Some of the language may preclude us from taking advantage of future options. Some terms need to be better defined.
- Governor Martz has approved a \$100,000 grant from the State's Environmental Contingency Fund. State funds will be used as a match to local funds. State needs basin commitment ASAP, but local funds are not needed until the end of the 2004. Max Maddox announced the Milk River Joint Board of Control would contribute up to \$50,000 as a match toward other local funds. Money raised will be used as a bridge until federal funds become available in early 2005.
- Identified the need to establish a funding subcommittee within the Working Group to develop a proposal for collecting, accounting and tracking local fund raising efforts. Bear Paw Development Inc. was mentioned as a possible local entity with the resources to collect and track funds. Funding subcommittee is comprised of John Tubbs, Mike Barthel, Jeff Jensen, Randy Reed, and Max Maddox.
- Joint Board of Control will be submitting \$240,000 in grants requests to the State's Renewable Resource Grant Program. Funds will be used to address immediate infrastructure needs of the St. Mary system.
- St. Mary Rehabilitation web site is up and running. New material will be added to site over time. Site is currently hosted by DNRC. <http://www.dnrc.state.mt.us/stmarycover.htm> In response to a question from the 2/18/04 meeting regarding the possibility of putting a short video or PowerPoint presentation on the web site, the long download times associated with large files may limit their usefulness. In general, people do not wait more than 2.5 minutes for a file to download.

**Working Group Representation**

- We gave a final review to membership on the Working Group and identified alternates.
- Paul received permission to post contact information for Working Group members on web site.
- Steve Page suggested the Director of Fish Wildlife and Parks should be included as an Ex Officio member of the Working Group. If the Director cannot serve, he should appoint the Deputy Director or equivalent to serve. Suggestion was made to ask Mike Murphy, Director of the Montana Water Resources Association, to serve as an Ex Officio member. Working Group members agreed that both FWP and Mike Murphy should be contacted.
- Ex Officio member Kay Blatter asked that the list of Ex Officio members note he is also Chairman of the Milk River International Alliance.
- Agreement was reached to set the 4<sup>th</sup> Wednesday of the month for regular Working Group meetings. Meetings will be held at various locations in both the St. Mary and Milk River basins.

**Working Group Scope of Objectives.**

Working Group agreed to limit the focus of efforts to the following 3 objectives:

1. Find a "workable" solution for rehabilitating the St. Mary Facilities.
2. Work with the Blackfeet Tribe to address environmental impacts associated with operation of the St. Mary Facilities.

3. Explore options for restoring Fresno Reservoir to its original storage capacity.

### **Review Working Group Process Agreement**

We reviewed a Working Draft Process Agreement put together by DNRC for the group's consideration. The Process Agreement spells out the common expectations of the participants, governments, and agencies involved in the rehabilitation effort. It also clarifies group procedures for conducting meetings, reporting results, resolving differences, and how the group will make decisions. The goal of this review was to become familiar with the language contained in each section noting areas of agreement and disagreement. Working Group members were asked to share the draft agreement with their constituencies prior to the next Working Group meeting. The draft document will be reviewed again in April. Suggested changes and points of discussion included:

- Section III – Working Group Commitments
  - Question – Why does the Working Group need to coordinate with the Montana Reserved Water Rights Compact Commission (Compact Commission)? Response - Rehabilitation of the St. Mary's involves two federal Indian reserved water right compacts. Rehabilitation of St. Mary's and the negotiation of reserved water rights are separate, but parallel processes, involving complex political and legal considerations. It would serve the larger interest of both the Working Group and Compact Commission if they stay informed of each other's progress and coordinate their activities when practical.
- Section IV - Goals and Objectives
  - Comment – Working Group should not ignore erosion of stream channel down stream from Fresno Reservoir. If enlargement of reservoir leads to more water being released, the channel downstream of the dam will suffer even more erosion.
  - Comment – Goal #7 should be move further up the list.
- Section V – Participants
  - #3 – Included Fish Wildlife and Parks as an Ex Officio member.
  - #4 –Agree that Basin Membership should be capped at 15.
  - #6 –Designated members will notify the St. Mary's Coordinator (currently DNRC) if they will be unable to attend a meeting.
- Section VI – Participants Responsibilities
  - #2a – Some discussion on what does it mean to leave your “position at the door.” Edit sentence to read “Each participant agrees to candidly identify and share his or her interests while *maintaining an open mind for compromise.*”
- Section VII – Decision Making Process
  - #2 – Agree that 2/3 of the Working Group (10 members) will constitute a quorum.
- Section VIII – Meeting Procedures
  - #2 – Clarify that a period for public comment must be included as part of each meeting agenda.
  - #3 – Current responsibility for documenting meeting progress falls to DNRC.
- Section IX – Communications and Media Relations
  - Working Group will put out a press release after each meeting.

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- #2 – Reference to the Working Group “Chair” led to a discussion on how this position should be filled. Although Lt. Governor Ohs currently serves as Chairman, there are no provisions in the Agreement for filling the position if and when the Lt. Governor steps down. Discussion centered on whether or not a member of the Working Group, other than Lt. Governor Ohs, could serve as Chairman, or if the group would be better served by having a neutral third party person as a Coordinator. This issue will be taken up again at the next meeting.
- Section X1 – Political and Legal Considerations
  - #7 – Mike Tatsey commented that Blackfeet Nation must be involved in State process working on IJC issues.
  - Compact Commission and Tribes should provide Working Group with periodic updates on compact discussions.

**Spring Tour of St. Mary Facilities**

We started discussions and planning for a tour of the St. Mary Facilities this spring.

- Tour will be for the benefit of the Working Group (Basin and Ex Officio members) press, and congressional representatives. Mike Tatsey mentioned that some Tribal members might also be interested in attending. A second tour for the general public will be explored at a later date.
- Tour will be combined with regular May meeting as a two-day event. Discussed holding meeting in Browning. Mike Tatsey mentioned there will likely be more interest in public comment than has been seen at other Working Group meetings.
- Tour will leave from Browning (?) about 8:00 a.m. and return around 3 – 4 p.m. Ideally it might be better to have the tour on day 1 and the meeting on day 2. However, since the tour will get underway fairly early, logistically it would work better to have the tour on day 2. Having spent the night in the surrounding area, people will not have to travel far to the rendezvous point.
- Vehicles for the tour were discussed.
  - School buses were mentioned, but there are issues of liability and the need to work around school schedules. Ft. Belknap has access to buses that hold about 30-35 people. Hiring a professional motor coach would run a minimum \$2,000. Site access is also a drawback to using buses.
  - High clearance vehicle would be best. Mike Tatsey will check to see if Blackfeet Nation can provide 5-6 Suburbans. USBR and DNRC may be able to provide vans or SUV's. May also have to use private vehicles.
- Paul will report back on planning progress at April meeting.

**Public Comment**

- A presentation or video should be prepared for public outreach. John Tubbs said he has a contact with Montana Public TV and would follow up. Working with Helena Community TV may be an option to explore. Blackfeet also have a cable company. Perhaps show the Milk River Lifeline of the Hi-line video at a future meeting.
- Discussion about revisiting hydropower generation at the drops.
  - USBR did a study on hydro-production back in the 1980's. Lack of distribution system made it uneconomical at the time. This may still be the case.

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- Blackfeet exploring feasibility of developing wind energy in area. If they move forward, it may bring a distribution system close enough to drops to make hydropower production economically feasible.
- Mike Waite suggested the Working Group consider having a representative from the Ft. Belknap water users at the table.

### **Action Items**

- Working Group members to send letters of support to Congressional reps with Cc. to Paul.
- Funding Subcommittee will update progress
- Approach FWP and MWRA as ex officio members
- Tour planning for May

### **Next Meeting and Agenda**

- Next meeting will be held on April 28 in Glasgow.
- Agenda items:
  - Second reading of Process Agreement.
  - Updates on tour planning and funding
  - Review RFP for engineering work

### **Other Items**

Discussion continued on the need to develop an approach to generate basin-wide support for the rehabilitation effort. This resulted in the formation of the Public Outreach Subcommittee comprised of Steve Page, Gary Anderson, Dolores Plumage, Mike Tatsey, and Randy Reed. The suggestion was made that subcommittees meet from 8-10 on the morning of Working Group meetings in an effort to avoid excessive travel.

- Matt McCann pointed out the need to send a message to other national legislators that the St. Mary rehabilitation is a regional issue. The system provides NED (National Economic Development) benefits while at the same time addressing Tribal and environmental issues.
- Mike Tatsey pointed out that public outreach will be very important to Blackfeet tribal members. Blackfeet support of the St. Mary rehab is a big hurdle on the horizon; therefore, the Working Group will have to demonstrate a benefit to the Blackfeet Nation.
- There is a need for greater communication between Blackfeet Tribe and Fort Belknap Tribes. The need for a Tribal Issues Subcommittee will be further explored. Randy Perez will follow up and report back to the Working Group in April.